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5 UNITED STATES DISTRICT COURT  
6 SOUTHERN DISTRICT OF CALIFORNIA

7 U.S. EQUAL EMPLOYMENT  
8 OPPORTUNITY COMMISSION,

9 Plaintiff,

10 ELSA PEREZ

11 Plaintiff-Intervenor

12  
13 v.

14 PC IRON, INC.,

15 Defendant.  
16  
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Case No.: 3:16-cv-02372-CAB-(WVG)

**ORDER REQUESTING NEW  
PROPOSED PRE-TRIAL ORDER**

18 On July 9, 2018, this Court dismissed Plaintiff-Intervenor's complaint in  
19 intervention brought against Defendant. [Doc. No. 99.] In light of the settlement of  
20 Plaintiff-Intervenor's individual claims, the EEOC cannot obtain any victim specific make-  
21 whole monetary relief on her behalf because such claims are now moot. *EEOC v. Waffle*  
22 *House, Inc.*, 534 U.S. 279, 296-97 (2002) (if a plaintiff accepts a monetary settlement "any  
23 recovery by the EEOC would be limited accordingly" and "it goes without saying that the  
24 courts can and should preclude double recovery by an individual."); *EEOC v. Goodyear*  
25 *Aerospace Corp.*, 813 F.2d 1539, 1543 (1987) (employee's settlement "rendered her  
26 personal claim moot."). This means the only remaining cause of action is the EEOC's  
27 request for injunctive relief.  
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1 Accordingly, the parties are hereby **ORDERED** to resubmit a proposed pretrial  
2 order by **July 17, 2018**, making the necessary changes to the appropriate sections of the  
3 previously submitted pre-trial order, including the sections titled: causes of action,  
4 elements of claim, damages and defenses; witnesses; trial exhibits; list of all deposition  
5 transcripts that will be offered at trial and; trial estimate. The parties should bear in mind  
6 that this matter will now be a bench trial. *See* 42 U.S.C § 1981(a).

7 It is **SO ORDERED**.

8 Dated: July 10, 2018



Hon. Cathy Ann Bencivengo  
United States District Judge